

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 620 – SB 1058**

March 8, 2023

**SUMMARY OF BILL:** Establishes a presumption, rebuttable by a preponderance of evidence, that joint legal custody and equally shared parenting time is in the best interest of the child. Authorizes the court to investigate if a deviation from joint legal custody is warranted. Requires orders for an arrangement other than joint legal custody and equally shared parenting time to be based on written findings that must be included in the custody order. Removes the presumption of joint custody if a domestic violence order is being or has been entered against a party or the child.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Tennessee Code Annotated § 36-6-101(a)(2)(A)(i) currently states that that court shall have the discretion to order a custody arrangement that is in the best interest of the child, unless both parents have agreed to custody arrangements in writing. The proposed legislation takes away much of this discretion, and instead assumes equal custody unless there is evidence to the contrary, or a joint agreement between the parents.
- Under Tenn. Code Ann. § 36-6-101(a)(2)(A)(v), it is assumed that awarding custody to a parent under indictment of child abuse is not in the best interest of the child. The proposed legislation extends this assumption to also include parents with domestic violence orders against them, even if they are not against the child.
- The provisions of the proposed legislation will affect the custody arrangements of private parties only. Any impact to the court system will be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

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